

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re:) FIRST AMENDMENT TO
DAVID B. NAGLER, M.D.) CONSENT AGREEMENT
Complaint No. CR18-169)

This document is a First Amendment to the April 14, 2021 Consent Agreement, as modified on November 9, 2021, regarding Dr. Nagler's request to modify monitoring requirements ("First Amendment"). The parties to this First Amendment are: David B. Nagler, M.D. ("Dr. Nagler"), the State of Maine Board of Licensure in Medicine ("the Board"), and the Department of the Attorney General (the "Attorney General"). This First Amendment is entered into pursuant to 32 M.R.S. §§ 3282-A and 10 M.R.S. § 8003(5).

BACKGROUND

1. On April 14, 2021, the parties entered into a Consent Agreement for discipline upon the license to practice medicine in the State of Maine held by Dr. Nagler ("Consent Agreement").
2. On November 9, 2021, the Board voted to reduce the monitoring frequency required by the Consent Agreement from every month to every other month.
3. On May 1, 2024, Dr. Nagler submitted a request to modify the monitoring frequency to quarterly.
4. On May 14, 2024, the Board considered Dr. Nagler's request

to modify monitoring requirements together with his compliance with the Consent Agreement and voted to offer Dr. Nagler this First Amendment. Absent acceptance of this First Amendment by Dr. Nagler by signing it and dating it in front of a notary and returning it to the Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137, all terms and conditions of the Consent Agreement as modified on November 9, 2021, remain in full force and effect.

AMENDMENT

5. Dr. Nagler, the Board, and the Department of the Attorney General hereby agree to amend the Consent Agreement, as modified on November 9, 2021, by:

Amending the second paragraph contained in paragraph 14(a) to read as follows:

The Physician Practice Monitor shall monitor Dr. Nagler's compliance with prescribing and medical recordkeeping standards. The monitoring and medical record review contemplated by this subparagraph may NOT occur solely by telephone and must at least quarterly include in person communication or via HIPAA compliant shared portal access or interface. The Physician Practice Monitor must randomly select and review at least ten (10) patient charts each quarter. The Physician Practice Monitor shall submit quarterly written reports to the Board. In the reports to the Board, the Physician Practice Monitor shall provide a summary of his or her monitoring activities, Dr. Nagler's compliance with universal precautions and controlled substance prescribing and medical recordkeeping standards (including monitoring of vital signs for patients prescribed stimulants) and shall identify any issues with medical decision-making or documentation.

6. Dr. Nagler acknowledges by his signature hereto that all other terms and conditions of the Consent Agreement, as modified on

November 9, 2021, remain in full force and effect.

7. Dr. Nagler acknowledges by his signature hereto that he has read this First Amendment, that he has had an opportunity to consult with an attorney before executing this First Amendment, that he executed this First Amendment of his own free will and that he agrees to abide by all terms and conditions set forth herein.

8. Dr. Nagler has been represented in this matter by Kenneth W. Lehman, Esq.

9. This First Amendment may be signed in counterparts, with all counterparts together constituting one original instrument. Signatures below may be applied and/or saved electronically, and such electronic signatures will be given the same effect as a paper document signed in ink.

I, DAVID B. NAGLER, M.D., HAVE READ AND UNDERSTAND THE FOREGOING FIRST AMENDMENT AND AGREE WITH ITS CONTENTS AND TERMS. I FURTHER UNDERSTAND THAT BY SIGNING THIS FIRST AMENDMENT, I WAIVE CERTAIN RIGHTS, INCLUDING THE RIGHT TO A HEARING BEFORE THE BOARD. I SIGN THIS FIRST AMENDMENT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS FIRST AMENDMENT TOGETHER WITH THE APRIL 14, 2021 CONSENT AGREEMENT AS MODIFIED NOVEMBER 9, 2021, CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

Dated: 24 May 2024


DAVID B. NAGLER, M.D.

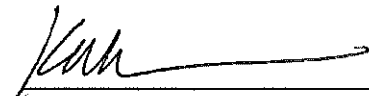
STATE OF MAINE
CUMBERLAND, SS.

Before me ^{→ by video and audio via Zoom on the} this 24 day of May, 2024, personally appeared David B. Nagler, M.D., who after first being duly sworn, signed the foregoing First Amendment to Consent Agreement in my presence ~~or affirmed that the signature above is his own.~~

↳ and observed him signing this document.


~~Notary Public~~ Attorney at Law
~~My commission expires:~~ McBn 3283

DATED: 30 May 2024


KENNETH W. LEHMAN, Esq.,
Attorney for David B. Nagler, M.D.

STATE OF MAINE BOARD
OF LICENSURE IN MEDICINE

DATED: 6/11/24 _____ Chris R. R. Ross _____
CHRISTOPHER ROSS, P.A., Acting Chair

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED: June 11, 2024 _____ Michael Miller _____
MICHAEL MILLER
Assistant Attorney General

Effective Date: June 11, 2024